

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

FILED

2019 JAN 28 PM 2:11

In re:

TOLLING OF DEADLINES  
DURING LAPSE OF  
APPROPRIATIONS

)  
)  
)  
)  
)

CLERK U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

**MOTION BY THE UNITED STATES ATTORNEY'S OFFICE FOR TOLLING OF  
CERTAIN DEADLINES DURING LAPSE OF APPROPRIATIONS**

The United States Attorney's Office, on behalf of the United States of America, (the "United States") hereby files this motion (the "Motion") requesting a tolling of all deadlines applicable to the United States, its agencies, or its employees, including, without limitation, a tolling of all bar dates for the filing of proofs of claim and requests for the payment of administrative expenses with respect to the United States and its agencies from December 22, 2018 through January 28, 2019 (the "Appropriations Lapse"). In support of this Motion, the United States submits the following:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the Internal Revenue Service and the Department of Housing and Urban Development.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal interested parties are furloughed and prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. During the Appropriations Lapse, employees of federal interested parties were not able to, *inter alia*, prepare and file proofs of claim or request payment of administrative

expenses. As federal employees return to work, they will need to process five weeks of mail, notices, and other work that accrued during the Appropriations Lapse. Each agency will address how best to manage the backlog of work, but currently unknown bar dates will have passed and will continue to pass as the backlog of work is cleared.

4. The United States therefore requests a tolling of all deadlines applicable to the United States, its agencies, or its employees, including, without limitation, all bar dates for the filing of proofs of claim and requests for the payment of administrative expenses with respect to the United States and its agencies, for a time period equal to the duration of the lapse in appropriations.

5. The United States further requests that deadlines tolled during the lapse in appropriations be extended commensurate with the duration of the lapse in appropriations from December 22, 2018 through January 27, 2019 for a total of 36 days.

Therefore, while we regret the disruption caused to the Court and other litigants, the United States respectfully hereby moves for the tolling and extending of deadlines as described herein. A proposed form of order is attached hereto as Exhibit A.

Respectfully submitted,

JUSTIN E. HERDMAN  
United States Attorney

By:



---

Suzana K. Koch (OH: 0073743)  
Assistant United States Attorney  
United States Court House  
801 West Superior Avenue, Suite 400  
Cleveland, OH 44113  
(216) 622-3748  
(216) 522-4982 (facsimile)  
Suzana.Koch@usdoj.gov

January 28, 2019

Exhibit A  
Proposed Form of Order